

ORIGINAL



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MEMORANDUM

TO: Docket Control

FROM: Steven M. Olea  
Director  
Utilities Division

DATE: March 04, 2011

RE: IN THE MATTER OF THE APPLICATION OF COMMPARTNERS, LLC FOR  
APPROVAL TO CANCEL THEIR CERTIFICATE OF CONVENIENCE AND  
NECESSITY (DOCKET NO. T-04251A-11-0013)

Arizona Corporation Commission

DOCKETED

MAR 4 2011

DOCKETED BY

Attached is the Staff Report for the above referenced application. The applicant is applying for approval to cancel its Certificate of Convenience and Necessity ("CC&N") to provide the following services:

- Competitive Facilities-Based Interexchange Services
- Competitive Facilities-Based Local Exchange Services

Staff recommends cancellation of the CC&N.

SMO:LLM:kdh

Originator: Lori L. Morrison

Attachment: Original and Thirteen Copies

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AZ CORP COMMISSION  
DOCKET CONTROL

SERVICE LIST FOR: COMMPARTNERS, LLC  
DOCKET NO.: T-04251A-11-0013

Mr. Gregory Roeper  
President, CommPartners, LLC  
3291 North Buffalo Drive, Suite 150  
Las Vegas, Nevada 89129

STAFF REPORT  
UTILITIES DIVISION  
ARIZONA CORPORATION COMMISSION

COMMPARTNERS, LLC  
DOCKET NO. T-04251A-11-013

IN THE MATTER OF THE APPLICATION OF COMMPARTNERS, LLC FOR APPROVAL  
TO CANCEL THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY

MARCH 04, 2011

## STAFF ACKNOWLEDGEMENT

The Staff Report for the application of CommPartners, LLC, Docket No. T-04251A-11-0013, for approval to cancel its Certificate of Convenience and Necessity was the responsibility of the staff member listed below. Lori Morrison was responsible for the review and analysis of the application.

A handwritten signature in black ink, appearing to read "Lori Morrison", is written over a horizontal line.

Lori Morrison  
Utilities Consultant

## **INTRODUCTION**

On January 10, 2011, CommPartners, LLC ("CommPartners" or "Company") submitted a letter requesting withdrawal of its Certificate of Convenience and Necessity ("CC&N") to provide facilities-based interexchange and facilities-based local exchange telecommunications services within the State of Arizona effective immediately. CommPartners also requested the withdrawal of its tariffs.

## **BACKGROUND**

On December 9, 2005, in Decision No. 68331, the Commission granted CommPartners a CC&N to provide facilities-based interexchange and facilities-based local exchange telecommunications services within the State of Arizona. On February 2, 2007, CommPartners filed a \$200,000 bond with the Commission.

## **STAFF'S ANALYSIS**

In its January 10, 2011 letter, CommPartners stated that it had no customers or facilities in Arizona. On February 14, 2011, in response to Staff Data Request ("SDR") STF 1.1(A), CommPartners stated that it had not begun providing services in Arizona. The Company also states in response to SDR STF 1.2(B) that since it had never offered services in Arizona, there were no customers to notify and it requests a waiver of the notice requirements in Arizona Administrative Code ("A.A.C.") R14-2-1107(A)(2). At Staff's request, CommPartners submitted an affidavit attesting that it has no customers for intrastate telecommunications services in Arizona. CommPartners has affirmed, in response to SDR STF 1.7, that it did not collect advances, deposits, and/or prepayments from customers in Arizona because it never provided service in Arizona.

The Consumer Services Section of the Utilities Division reports that there have been zero (0) complaints, inquiries, or opinions against CommPartners from January 1, 2008 to January 21, 2011. According to the Corporations Division, CommPartners is in good standing. CommPartners's 2009 utility annual report is currently on file with the Commission. The Compliance Section reports that there is one (1) current compliance delinquency for CommPartners where it did not renew or reissue their \$200,000 bond after one year. CommPartners advised Staff they were in bankruptcy and would not be reissuing the bond.

## **RECOMMENDATION**

CommPartners is not currently providing facilities-based interexchange or facilities-based local exchange telecommunications services to any customers in Arizona and it never collected deposits, advances or prepayments from Arizona customers. As such, Staff recommends approval of CommPartners's request for a waiver of the requirement to publish notice contained in A.A.C. R14-2-1107(A)(2). Staff further recommends that CommPartners's CC&N to provide facilities-based interexchange and facilities-based local exchange telecommunications services be cancelled. In addition, Staff recommends that the cancellation not become effective until a decision is issued by the Commission authorizing such cancellation. Upon cancellation of its

CommPartners

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CC&N, CommPartners will no longer be authorized to provide resold interexchange telecommunications services in Arizona. Therefore, CommPartners will no longer be subject to the requirements of Decision No. 68331. In addition, Staff recommends approval of CommPartners's request to cancel and withdraw its Arizona tariff.